



PATENT--FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ) I hereby certify that this  
TIMOTHY J. MARTINS ET AL. ) paper is being deposited with  
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Divisional of Serial No. ) postage, as first class mail,  
10/151,202 filed May 17, 2002 ) in an envelope addressed to:  
 ) Mail Stop Amendment  
For: CYCLIC AMP-SPECIFIC ) Commissioner for Patents  
PHOSPHODIESTERASE INHIBITORS ) P.O. Box 1450  
 ) Alexandria, VA 22313-1450.  
Attorney Docket No. 27866/39819 )  
 ) Dated: April 6, 2005  
Group Art Unit: 1626 )  
 )  
Examiner: E. Sackey )  
 )  
 ) James J. Napoli  
 ) Registration No. 32,361  
 ) Attorney for Applicants

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE-  
PATENTING REJECTION OVER AN ISSUED PATENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, having power of attorney from the assignee, ICOS Corporation, has executed this document on behalf of petitioner, ICOS Corporation. Petitioner is a Delaware corporation, 22021 20th Avenue S.E., Bothell, Washington 98021, and is the owner of 100% interest in the instant application, as shown by the assignment recorded June 25, 2001, at Reel 11924, Frame 754. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which

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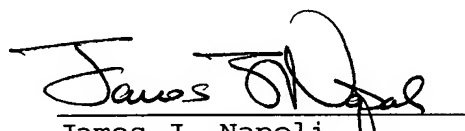
would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of: (a) prior Patent No. 6,258,833, and (b) prior Patent No. 6,716,871. Petitioner is the owner of 100% interest in U.S. Patent No. 6,258,833 as shown by the assignment recorded on February 28, 2000 at Reel 10261, Frame 385. Petitioner also is the owner of 100% interest in U.S. Patent No. 6,716,871 as shown by the assignment recorded on June 25, 2001 at Reel 11924, Frame 754. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,258,823 and U.S. Patent No. 6,718,871 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of prior Patent No. 6,258,833, or of prior U.S. Patent No. 6,716,871, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321. has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of

its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees which may be required during the pendency of this application under 37 C.F.R. §1.16 or 37 C.F.R. §1.17 or under applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this transmittal is enclosed.

  
James J. Napoli  
Registration No. 32,361

Dated: April 6, 2005

☒ Our firm check in the amount of \$130.00 is enclosed in payment of the requisite Terminal Disclaimer fee under 37 C.F.R. §1.20(d).



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TIMOTHY J. MARTINS ET AL.

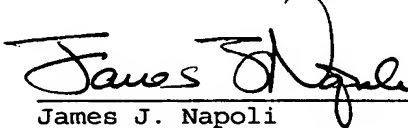
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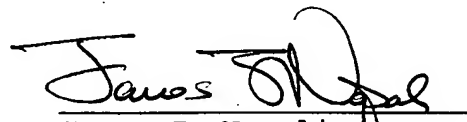
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